

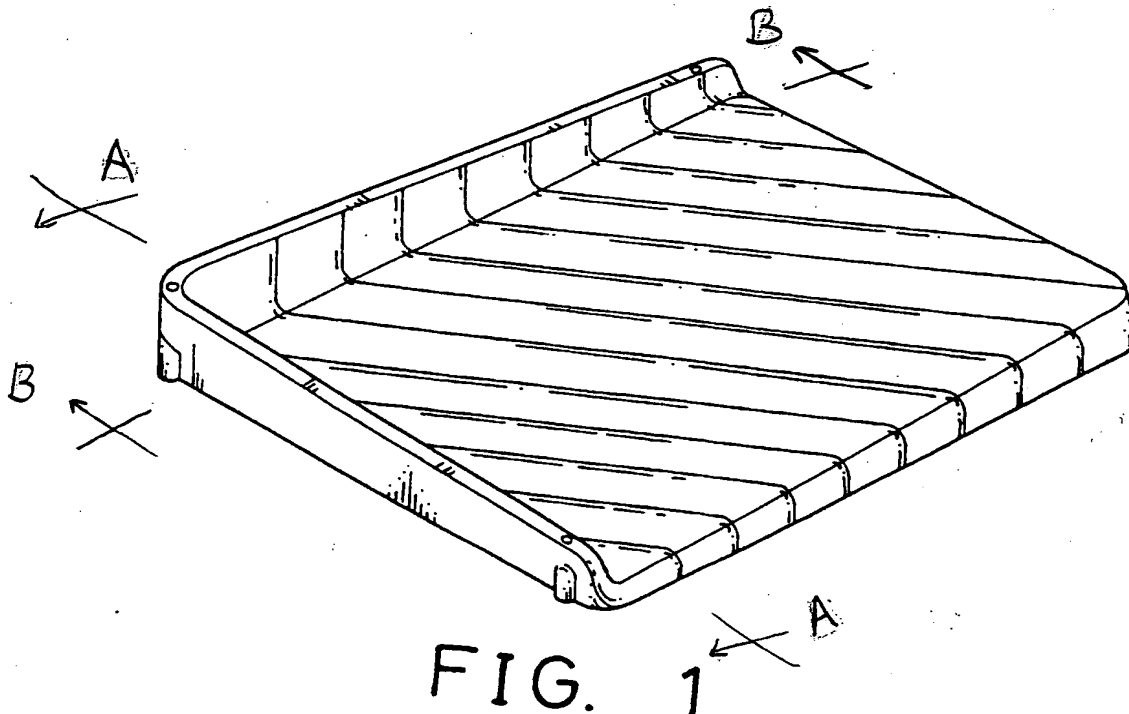
REMARKS

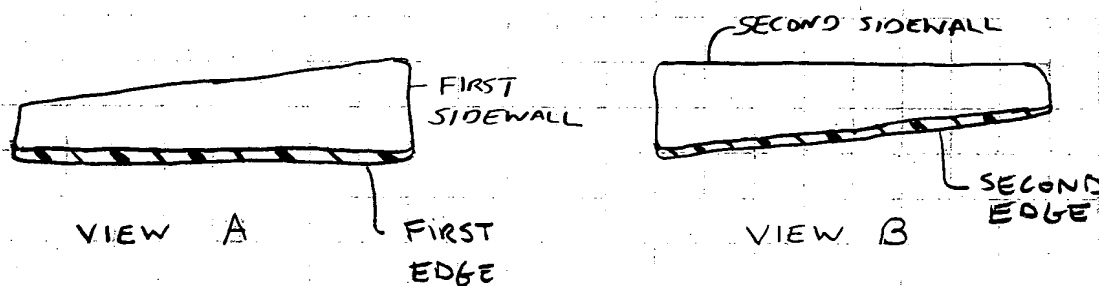
Claims 1, 2, 4-8, 10, 11, 13, and 23-32 were examined in the most recent final office action dated October 5, 2006. All claims stand rejected as either anticipated by Chang, U.S. Design Patent No. D443,651 or as obvious over Chang in view of Hansen, U.S. Design Patent No. D322,463. Based on the amendments made herein, withdrawal of the rejection and allowance of all claims is respectfully requested.

Claims 1 and 23-30 are Allowable.

Applicants respectfully traverse the rejection to claim 1, as amended, as allegedly anticipated by Chang. Claim 1 recites that the first sidewall and the first edge of the base mirror the second sidewall and the second edge of the base about a line that bisects the angle between the first and second sidewall. Support can be found, for example, in Figs. 18 and 23.

In Chang, the first edge of the base does not mirror the second edge of the base. Cross-sectional views of Chang shown below depict the first edge and first sidewall in View A and the second edge and second sidewall in View B. For ease of explanation, the applicants denote the first sidewall to be the back of the tray of Chang.





The first edge of the base of Chang meets the first sidewall at a constant level. In other words, the first edge is parallel to the desktop. In contrast, the second edge meets the second sidewall at an angle rising upwardly away from the back of the tray. Thus, the first edge does not mirror the second edge as is claimed. Accordingly, claim 1 is novel over Chang.

Further, claim 1 is non-obvious over the combination of Chang and Hansen, because the combination fails to disclose a first edge mirroring a second edge. If the curved base of Hansen replaced the flat base of Chang in the tray of Chang, the first edge would be the curved back edge of Hansen, and the second edge would be a linear edge along the side. Obviously, a curved edge does not mirror a linear edge.

Because no reference discloses or suggests a first edge mirroring a second edge, claim 1 is allowable over the art of record.

As shown in Fig. 18 and 23, the claimed structure provides advantages not disclosed by either cited reference. Because the first sidewall and the first edge mirror the second sidewall and the second edge, the apparatus can be placed in on either corner of the desk, and it produces the same functionality in supporting the stacked papers. For example, if the user places the device on the right corner of his desktop, the first sidewall can be a back wall and the second sidewall can be the right wall. The user can then place the device on the left

corner, rotate the device 90°, and the first sidewall is the left wall, and the second sidewall is the back wall. The mirroring of the edges and the sidewalls ensures that the apparatus functions exactly the same in either orientation. Because none of the cited references, either individually or in combination, recognize this functionality or the claimed structure by which such functionality is achieved, none suggests the claimed solution. Accordingly, claim 1 is allowable over the art of record.

Accordingly, claim 1 is allowable. Dependent claims 23-30 are allowable for at least the same reasons.

Claims 2, 4-8, 10, 11, 13, and 33 are Allowable.

Applicants respectfully traverse the rejection to claim 2, as amended, as obvious over Chang in view of Hansen. Claim 2 recites, in part, that the base includes a first triangular panel, a second triangular panel, and a third triangular panel, and the first and third triangular panels each slope to meet the second triangular panel. The first triangular panel mirrors the third triangular panel.

As conceded in the office action, Chang fails to disclose a base including three panels. The office action argues that Hansen discloses three panels, citing to Figure 4. However, none of the panels of Hansen are triangular. Instead, Hansen discloses two end panels that are rectangular (butting against the sidewalls), and a curved panel that is eight-sided, and generally in the shape of a rectangle as well. Accordingly, claim 2 recites structure not disclosed or suggested by any cited reference.

The base having triangular panels, and the first and third panel sloping to meet the second panel, forms a structure that allows a user to place a piece of paper on the apparatus in either 90° orientation (i.e., the user can collate the papers disposed on the apparatus), and the apparatus can retain the papers with the aid of gravity pulling the paper away from the open

edges. In other words, whichever orientation the user places the paper in the apparatus, the front end of the paper is at a lower elevation than the back end, and the front end is near a sidewall while the back end is near an open edge of the apparatus. Examples are shown in Figs. 18 and 23. Neither Chang nor Hansen nor the combination of the two has this feature.

Accordingly, claim 2 is allowable over the cited references. Dependent claims 4-8, 10, 11, 13, and 33 are allowable for at least the same reasons.

Claim 31 is Allowable.

Applicants respectfully traverse the rejection to claim 31, as amended, as allegedly anticipated by Chang. Claim 31 recites, in part, that the second panel of the base is triangular, and the apparatus is symmetrical about a line that bisects the triangular second panel. As outlined above, none of the cited references discloses or suggests a base that includes a triangular second panel. Even moreso, none of the cited references discloses or suggests an apparatus that is symmetrical about a line that bisects the triangular panel. Claim 31 is therefore allowable.

CONCLUSION

In view of the foregoing remarks, the claims as now appearing in this application are in proper form for allowance. If, in the opinion of the examiner a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 29618/38938/US.

Dated: January 5, 2007

Respectfully submitted

By 

Russell C. Petersen

Registration No.: 53,457

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicants